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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ROYAL YATES

No. 05-01510 BZ

12 Plaintiff,

13 vs.

14 GUNNALLEN FINANCIAL and
CURT WILLIAMS

EX PARTE APPLICATION TO
FILE BRIEF LATE AND
15 ~~Proposed~~ ORDER

16 Defendants.
_____ /

17 I, Laurence F. Padway, hereby declare under penalty of perjury that:
18

19 1. I am the attorney for plaintiff Royal Yates.
20

21 2. Under the scheduling order dated December 6, plaintiff was to file his opposition
22 to defendants' Rule 50(b) motion on or before December 22.
23

24 3. My calendar inadvertently showed December 22 as a reminder date for this
25 opposition instead of the due date. I did not recognize this error until December 23, while I was
26 working on the opposition.
27

28 4. As a result of this calendar error, plaintiff's opposition was filed on December 25.

1 5. In view of the holiday weekend, I am aware of no prejudice to any party from the
2 late filing, and I doubt that any would occur.

3
4 6. For the foregoing reason, plaintiff requests permission to file his opposition late,
5 i.e., on December 25.

6
7 Executed this 25th day of December, 2006, at Alameda, California.

8
9
10 _____
Laurence F. Padway

11
12 ORDER

13 Good cause appearing, it is hereby ordered that plaintiff may file his opposition to
14 defendants' motion under Federal Rule of Civil Procedure 50(b) on December 25, 2006.

15
16 Dated: December 26, 2006

17
18
19 _____
Bernard Zimmerman
20 United States Magistrate Judge

